

Appl. No. 09/746,015  
Amdmt. Dated December 13, 2005  
Reply to Office Action of September 20, 2005

### **REMARKS/ARGUMENTS**

Claim 33 has been amended to correct a typographical error identified by the Examiner.

#### **35 U.S.C. § 101 Rejection**

In paragraph 4 of the detailed action the Examiner has rejected claim 31 under 35 U.S.C. 101 arguing that the claimed invention is directed to non-statutory subject matter. The Examiner has argued simply that an administrative interface is not statutory. Recent case law has established that such a position is no longer tenable.

In light of the presidential decision in Ex parte Lundgren, Appeal No. 2003-2088 (Bd. Pat. App. & Int. Sept. 28, 2005), the new test for assessing subject matter acceptability (i.e. §101 compliance) as clearly set out in the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility is as follows:

A. Is the claimed invention a process, machine, manufacture or composition of matter? (i.e. an Enumerated Statutory Category)

B. Does the claimed invention fall within one of

- 1) Law of Nature
- 2) Natural Phenomena
- 3) Abstract Idea

(These are the §101 Judicial Exceptions)

C. Does the Claimed Invention Cover a Practical Application of a §101 Judicial Exception?

- 1) Practical Application by Physical Transformation?
- 2) Practical Application That Produces a Useful (35 U.S.C. § 101 utility –

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specific, substantial and credible), Tangible (produce a "real-world" result), and Concrete (substantially repeatable) Result? (i.e. State Street test)

Assuming that it is the Examiner's position that claim 31 falls within one of the §101 Judicial Exceptions (not immediately clear that it does), we simply need to see if the claimed invention covers a practical application that produces a Useful (35 U.S.C. § 101 utility – specific, substantial and credible), Tangible (produce a "real-world" result), and Concrete (substantially repeatable) Result? (i.e. State Street test).

In this case, the result is useful – providing an administrative interface to define decryptor authorization logic;

tangible – the real world result is that a framework for decryptor authorization logic definition is provided;

concrete - there are two clear functions set out in the claim that if implemented will necessarily achieve the result desired.

Since there is no basis for a 35 U.S.C. § 101 subject matter rejection, the Examiner is respectfully requested to withdraw this rejection.

#### Prior Art Rejections

All of the claims stand rejected either as being unpatentable under 35 U.S.C. 102(b), or being unpatentable under 35 U.S.C. 103(a), and the Examiner has relied upon only a single reference, namely U.S. Patent No. 5,481,613 (Ford) for all of these rejections.

In the response to arguments section on page 2 of the Office Action, the Examiner refers to Applicant's contention that the CPA, Ford et al. does not teach the newly added limitation, "to locate decryptor authorization logic stored externally to the key release request that is to be applied and determining whether or not to release the decryption key". The Examiner argues that the reference does teach that in another embodiment of the invention, "the KRA may obtain decryptor privilege information from a supporting database" (Figure 2, column 6, lines 50-55).

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With all due respect, it is respectfully submitted that the Examiner has misconstrued what a "decryptor privilege attribute" is referring to in the cited reference. An attribute is information about the requesting decryptor that is used as an input to the authorization process. See for example column 6, lines 44 through 55:

"This decryptor privilege attribute information may be just the decryptors authenticated identity, which may be obtained in one embodiment through the key release transaction request using a suitable authentication mechanism. In another embodiment, more extensive decryptor privilege attribute information, e.g., group-membership, role-membership or clearance information may be supplied by the decryptor in a certified form, e.g., a privilege attribute certificate signed by a trusted third party, or, in yet a further embodiment, the KRA may obtain decryptor privilege attribute from a supporting database as shown by a dotted line in Figure 2".

With further reference to Ford on column 7, lines 42-44, access control decisions are then made based on comparing the ACA and the decryptor privilege attributes. Clearly this description of "comparing" refers to a test of data items.

Furthermore, it is clear that in the embodiments of Ford see for example Figures 2 and 4, the encryption request still includes an ACD block from the encryptor. The ACD block and the decryptor attributes which can be stored locally or in the external database are together used to make authorization decisions.

In contrast, what is claimed in all of the Applicant's claims is the use of decryptor authorization logic stored externally to the key release request that is to be applied in determining whether or not to release the decryption key. It is respectfully submitted that logic that is applied is different from data that is used in a comparison operation.

In view of this fundamental difference between the cited reference and the subject matter of all of the claims, the Examiner is respectfully requested to withdraw all of the rejections of the claims.

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In view of the foregoing, early favorable consideration of this application is earnestly solicited.

Respectfully submitted,

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